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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 10008.0100
		U.S. APPLICATION NO. (If known. see 37 CFR 1.5) 10/539,831
INTERNATIONAL APPLICATION NO. PCT/CA03/01992	INTERNATIONAL FILING DATE 1 JULY 2004	PRIORITY DATE CLAIMED 17 DECEMBER 2002
TITLE OF INVENTION Compact Solid Oxide Fuel Cell Stack		
APPLICANT(S) FOR DO/EO/US Sarkar, et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☐ is attached hereto (required only if not communicated by the International Bureau).
 - ☐ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ A preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: Response to Notification of Missing Requirements; Copy of Notification of Missing Requirements; Extension of Time Request; Request for Refund; Copy of previously-filed Preliminary Amendment; Confirmation Postcard

This collection of information is required by 37 CFR 1.414 and 1.491–1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/539,831		INTERNATIONAL APPLICATION NO. PCT/CA03/01992		ATTORNEY'S DOCKET NUMBER 10008.0100	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee \$300.00				\$ 0.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100.00 All other situations \$200.00				\$200.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO has an International Searching Authority \$100.00 International Search Report prepared and provided to the Office \$400.00 All other situations \$500.00				\$400.00	
TOTAL OF 21, 22 and 23 =				\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
41	-100 = 0	/50 = 0	x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	30 - 20 =	10	X \$50.00	\$ 500.00	
Independent claims	5 - 3 =	2	X \$200.00	\$ 400.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$1,630.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$1,630.00	
SUBTOTAL =				\$1,630.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$1,630.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$2180.00	
03/03/2006 MKAYPAGH 00000076 10539831				Amount to be refunded:	\$
				Amount to be charged:	\$
01 FC:1642 400.00 OP 02 FC:1633 200.00 OP 03 FC:1617 130.00 OP 04 FC:1614 600.00 OP 05 FC:1615 850.00 OP a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2993. A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
SIGNATURE: _____					
Daniel J. Noblitt NAME					
35969 REGISTRATION NUMBER					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Inventors:	Sarkar, et al.	Docket No.:	10008.0100
Serial No.:	10/539,831	Examiner:	NYA
Filing Date:	06/17/2004	Art Unit:	NYA
Title:	COMPACT SOLID OXIDE FUEL CELL STACK		

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Commissioner:

A Notification of Missing Requirements was mailed on November 30, 2005. The Notification indicated that the following items were missing:

- Inventor's Oath/Declaration;
- Various fees

In response, the applicant submits the following items:

- Declaration of inventors Partho Sarkar, Lorne Johanson, and Hongsang Rho;
- a copy of the Notification of Missing Requirements;
- a Petition for an Extension of Time;
- Various fees; and
- a Request for Refund.

Serial No. 10/539,831

Notification of Missing Requirements dated 30 NOVEMBER 2005

Response to Notification dated 28 FEBRUARY 2006

REMARKS

The applicant respectfully submits that the fees charged in the Notification of Missing Requirements are incorrect as they do not reflect the state of the application in light of the Preliminary Amendment filed concurrently with the Application. In particular, there are thirty total claims, not thirty-seven; there are five independent claims, not six. The applicant is submitting all fees as specified in the Notification of Missing Requirements, but concurrently submits a Request for Refund to correct the overpayment of fees.

CONCLUSION

The applicant submits that in view of the present submissions, the application is ready to proceed with examination and is in condition for allowance. Please contact the undersigned attorney at the address and telephone number noted below with any questions or comments.

Respectfully submitted,

Date: February 28, 2006



Daniel J. Noblitt
Reg. No. 35,969

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Facsimile: 480.994.9025



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/539,831	Partho Sarkar	10008.0100

INTERNATIONAL APPLICATION NO.

PCT/CA03/01992

I.A. FILING DATE	PRIORITY DATE
07/01/2004	12/17/2002

Noblitt & Gilmore
 4800 North Scottsdale Road
 Suite 6000
 Scottsdale, AZ 85251

RECEIVED
 DEC 05 2005

BY:

CONFIRMATION NO. 1145

371 FORMALITIES LETTER



OC000000017544221

Date Mailed: 11/30/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/17/2005
- Copy of the International Search Report filed on 06/17/2005
- Copy of IPE Report filed on 06/17/2005
- Preliminary Amendments filed on 06/17/2005
- Information Disclosure Statements filed on 06/17/2005
- Request for Immediate Examination filed on 06/17/2005
- U.S. Basic National Fees filed on 06/17/2005
- Priority Documents filed on 06/17/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1450** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$2180** for a Large Entity:

- **\$130** Surcharge.
 - The application search fee has not been paid. Applicant must submit **\$400** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
 - The application examination fee has not been paid. Applicant must submit **\$200** to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 1450**
 - **\$600** for **3** independent claims over 3.
 - **\$850** for **17** total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,831	PCT/CA03/01992	10008.0100